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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,853	08/13/2001	Martin Melchiors	Mo-6476/LeA 34,678	8274

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EXAMINER	
SERGENT, RABON A	

ART UNIT	PAPER NUMBER
1711	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/928,853	MELCHIORS ET AL.	
	Examiner	Art Unit	
	Rabon Sergent	1711	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Rabon Sergent
Primary Examiner
Art Unit: 1711

Continuation of 5. : Despite applicants' arguments, the prior art rejection has been maintained for the reasons set forth within the final Office action. Additionally, it is noted that Blum et al. disclose at column 6, lines 14-17 that the urethane modified polyester resins perform the function of an emulsifier for the crosslinker resins; this disclosure parallels applicants' remarks at page 3 of the response that the instant polyols serve as emulsifiers for the blocked polyisocyanate. In view of this teaching within Blum et al., one of ordinary skill would have reasonably expected that stable aqueous dispersions comprising urethane modified polyester polyols and a broad range of blocked isocyanates can be produced. Furthermore, applicants' argument that the instant claims differ from the prior art because the prior art requires that the urethane modified polyester be aqueously dispersed prior to addition of the blocked isocyanate (crosslinking agent) is not well taken for the following reasons. Firstly, the argument is not commensurate in scope with claims 1-8 , 10, and 11, because these claims do not require the addition of the blocked isocyanate to the polyol prior to the formation of the aqueous dispersion. Secondly, applicants' argument and declaration are not adequately representative of the prior art, because the prior art does not require that the crosslinking agent be added after formation of the dispersion. Blum et al. disclose at column 7, lines 16-19 that the binder compositions may be prepared simply by mixing components a), b), and c); given the description of these components within the reference, it appears clear that water is not a required component of any of components a), b), or c). Furthermore, the process of claim 9 of Blum et al. clearly sets forth an embodiment wherein the polyol and crosslinker are simultaneously mixed with water. Therefore, despite applicants' response, it cannot be said that Blum et al. require that the crosslinker be added after formation of the aqueous dispersion. Lastly, applicants' declaration is not commensurate in scope with the instant claims in terms of polyol and polyisocyanate composition and process of making the dispersion. The declaration utilizes a polyester polyol and an aliphatic polyisocyanate, whereas the instant claims are not so limited. The process of the declaration requires addition of the blocked isocyanate prior to formation of the dispersion; however, instant claims 1-8, 10, and 11 are not so limited.

RABON SERGENT
PRIMARY EXAMINER